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INTRODUCTION

"Thousands of children are alive and safe today because a principal or a teacher or some other caring adult at school was sensitive to a particular child's behavior, was willing to observe and to listen , and then acted on that information by filing a report. Reporting—by itself—does not guarantee that a child will be protected from continued abuse; but the failure to report adds yet another layer of bitterness and betrayal to the suffering of an already betrayed child".

National Association of Elementary School Principals
Vol. 9 Number 9 June, 1991

This publication contains important information to assist school personnel in identifying, reporting and responding to the abused and neglected children with whom they have contact. Unfortunately, a disturbing number of cases go unreported. In addition to professional, legal, and moral responsibility, school personnel, are in daily contact with children and have the unique opportunity to observe and advocate for them.

Montana's child abuse and neglect mandatory reporting laws apply equally to administrators, aides, bus drivers, counselors, custodians, food services workers, librarians, nurses, secretaries and teachers—any and all school personnel who work during the regular school hours. Child abuse and neglect must be reported before a child can be protected and services offered to the family.

WHY SCHOOL EMPLOYEES SHOULD BE INVOLVED

In an article for the Education Commission of the States, C.D. Jones and Phil Fox describe the school system as **"the most comprehensive social resource for the total growth of a child." For that reason they conclude that "educators are a major factor in assisting abused and neglected children and their families."**

Educators and other school employees are in a unique position to help abused and neglected children, their families, child protective service workers, and the community in overcoming the effects of child abuse and neglect. Recent research indicates that over half of America's abused and neglected children are of school age. A child may have been abused prior to school entrance but the situation may not come to anyone's attention until the child enters school.

Moreover, since schools are one of the few places where children are seen on a daily basis over extended periods of time, school staff have an opportunity to compare and contrast unusual behavior to behavior considered normal. In addition to the legal obligation, the moral and ethical obligations are compelling reasons for school personnel to take an active role in reporting suspected child abuse and neglect cases.

School employees who have had a frustrating experience when reporting suspected child abuse may be reluctant to become involved a second time. They may feel that a previous case was not handled or followed through to their satisfaction. However, a frustrating experience does not remove the legal obligation to report. Nor does it mean that future cases will share the same consequences. If an incident of suspected child abuse and neglect is reported to the Department of Family Services, some action will be taken. At the very least, a record of the report will be made. Thus school employee's legal obligation will be fulfilled, and the investigative process will have been initiated. On the other hand, if an educator or other school employee fails to make a report, it is certain that nothing will be done to help the child.

Of particular concern to many school employees is the lack of follow-up information received from Family Services after a referral is made. The underlying reason for this is a Montana law

that specifically states that: "the case records of . . .the department of family services and its local affiliate, the county welfare department, the county attorney, and the court concerning actions taken under this chapter and all records concerning reports of child abuse and neglect shall be kept confidential except as provided by this section." (Section 41-3-205, MCA).

This law prohibits dissemination of confidential information to school employees unless they are members of a child protection team or have been asked by the social worker, county attorney or law enforcement officer to participate in the initial interview of the child at the school.

A school employee who receives any confidential information regarding a child's case is bound by the confidentiality statute and may not share the information with anyone—including other school employees—not specifically listed in the statutes.

The only persons listed as those to whom confidential information may be released are those who absolutely need the information to provide services or treatment to the child and his or her family.

This situation understandably has caused frustration for reporting school staff. However, the rationale behind the confidentiality law is to ensure the right to privacy for Montana's children and their families.

MONTANA STATE LAWS

Montana's Child Abuse and Neglect Laws are more inclusive than stated below. Only some of the Montana Code Annotated sections pertinent to the reporting of child abuse and neglect cases by school personnel are reproduced below:

41-3-101, MCA. Declaration of policy. (1) It is hereby declared to be the policy of the state of Montana to: (a) insure that all youth are afforded an adequate physical and emotional environment to promote normal development; (b) compel in proper cases the parent or guardian of a youth to perform the moral and legal duty owed to the youth; (c) achieve these purposes in a family environment whenever possible; and (d) preserve the unity and welfare of the family whenever possible.

(2) It is the policy of this state to provide for the protection of children whose health and welfare are or may be adversely affected and further threatened by the conduct of those

responsible for their care and protection. It is intended that the mandatory reporting of such cases by professional people will prevent further abuses, protect and enhance the welfare of these children and preserve family life whenever appropriate.

41-3-102, MCA. Definitions. (1) "Child" or "youth" means any person under 18 years of age.

(2) An "abused or neglected child" means a child whose normal physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of his parent or other person responsible for his welfare.

(5)(a) "Child abuse or neglect" means a child whose normal physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of a person responsible for the child's welfare.

(8) "Harm to a child's health or welfare" means the harm that occurs whenever the parent or other person responsible for the child's welfare inflicts or allows to be inflicted upon the child physical, sexual or mental injury.

41-3-201, MCA. Reports. (1) When professionals and officials listed in subsection (2) know or have **reasonable cause to suspect** as a result of information they receive in their professional or official capacity, that a child is abused or neglected, they shall report the matter promptly to the department of family services or its local affiliate, which then shall notify the county attorney of the county where the child resides.

(2) Professionals and officials required to report are: . . .(d) school teachers, other school officials, and employees who work during regular school hours.

41-3-203, MCA. Immunity from liability. Anyone investigating or reporting any incident of child abuse or neglect, under 41-3-201 or 41-3-202, participating in resulting judicial proceedings, or furnishing hospital or medical records as required by 41-3-202 is immune from any liability, civil or criminal, that might otherwise be incurred or imposed, unless the person acted in bad faith or with malicious purpose.

41-3-207, MCA. Penalty for Failure to Report. (1) Any person, official, or institution required by law to report known or suspected child abuse or neglect who fails to do so or who prevents another person from reasonably doing so is civilly liable for the damages proximately caused by such failure or prevention.

(2) Any person or official required by law to report known or suspected child abuse or neglect who purposely or knowingly fails to report known child abuse or neglect or purposely or knowingly prevents another person from doing so is guilty of a misdemeanor.

41-3-205, MCA. Confidentiality—disclosure exceptions. (1) The case records of the department of social and rehabilitation services, the department of family services and its local affiliate, the county welfare department, the county attorney, and the court concerning actions taken under this chapter and all records concerning reports of child abuse and neglect shall be kept confidential except as provided by this section. Any person who permits or encourages the unauthorized dissemination of their contents is guilty of a misdemeanor.

(3) Records may also be disclosed to the following persons or entities in this state or any other state:

(m) a school employee participating in an interview of a child by a social worker, county attorney, or peace officer as provided in 41-3-202, MCA.

THE EXTENT OF CHILD ABUSE AND NEGLECT

The National Center on Child Abuse and Neglect estimates that in 1992 there were nearly 1.0 million reports received and referred for the investigation of approximately 2.9 million children who were the alleged subjects of child maltreatment.

In the state fiscal years from 1983 to 1993, the Montana Department of Family services experienced a 184% increase in the number of Montana children involved annually in child maltreatment investigations.

For the fiscal year 1993, 14,252 Montana children were referred to DFS for alleged child abuse/neglect investigations.

REPORTING PROCEDURE AND INFORMATION

Reporting is the most critical step in obtaining help for both the child and the family. Under Montana law, if any school staff member has reasonable cause to suspect that a child is being abused or neglected, it remains that individual's obligation to see that the situation is reported to the local Department of Family Services, Law Enforcement or the County Attorney.

Reporting concerns to the principal does not satisfy the reporting requirement. School personnel must report directly to the Department of Family Services. Where there is a conflict between state law and a school's reporting procedures, state law prevails.

School personnel shall report any suspected child abuse case promptly to one of the local Family Services offices listed in Appendix B. The report required under 41-3-201(5), MCA shall contain:

"(a) the names and addresses of the child and his or her parents or other persons responsible for his or her care;

(b) to the extent known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries;

(c) any other information that the maker of the report believes might be helpful in establishing the cause of the injuries or showing the willful neglect and the identity of the person or persons responsible therefor; and

(d) the facts which led the person reporting to believe that the child has suffered injury or injuries or willful neglect, within the meaning of this chapter."

Traditionally the roles of school personnel ended with the reporting of child maltreatment. Reporting however, is just the beginning of the Child Protection process.

Treatment, strengthening of families, rehabilitation and prevention of further child maltreatment still lie ahead. Increasingly, schools and school personnel are providing assistance and support to Children's Protective Services' staff by:

- participating on multidisciplinary teams to share information about specific families and children after they have been reported;
- providing direct support services to the child, the parents and the family; and
- becoming actively involved in community efforts to reduce the incidence of child maltreatment.

INVESTIGATION AND INTERVENTION

People reporting child maltreatment often express feelings of guilt for making the referral because the report may bring punishment to the family. Reporters are sometimes fearful they may be targeted by the alledged maltreating individual. The names and any identifying information regarding the reporter is confidential and should not be released. The main goal of the Department of Family Services is to protect the child while supporting the family through remediation, not punishment.

There may be a situation that necessitates the emergency removal of a child by DFS from his or her home because of an immediate apparent danger.

Under these circumstances, Department of Family Services social workers, police officers or county attorneys may remove a child and place him or her in a protective environment such as a group home or foster home. Even if a child is in protective custody, school personnel may not deny a parent access to their child unless the school has a copy of a court order restricting the parents.

After a referral is made to the department , the social worker, police officer or county attorney conducts an investigation.

A social worker, county attorney or police officer may interview a student at school as part of a child abuse and neglect investigation without prior parental permission. Section 41-3-202, MCA also states that: "If considered appropriate by the social worker, county attorney, or peace officer conducting an interview of the child, an employee of the public school attended by the child involved may participate in any interview of the child if the child is enrolled in kindergarten through 8th grade." Questions from school staff regarding their involvment in this process should be discussed with the social worker, county attorney or peace officer conducting the interview.

If it is determined that the child is neglected or abused by a person responsible for the child's welfare, the social worker will provide protective services to the child. "A person responsible for a child's welfare" means the child's parents, guardian or foster parent; a staff person providing care in a day-care facility; an employee of a public or private residential institution, facility, home or agency; or any other person legally responsible for the child's welfare in a residential setting. (Section 41-3-102(7), MCA.)

If it is suspected that the abuse or neglect was caused by someone other than a person legally responsible for the child's welfare, such as school personnel, a babysitter, a neighbor or a stranger, law enforcement will take over the primary responsibility for any continuing investigation. **Regardless of who the perpetrator is thought to be, school staff must report all suspected cases of abuse or neglect to the Department of Family Services.**

If you are uncertain whether to report or to whom you should report suspected child maltreatment, contact your local county attorney.

The removal of the child from the parents' custody is recommended only when the child cannot be protected in the home. Under these circumstances, the Department of Family Services through the local county attorney petitions the District Court for the legal authority to remove the child from the home. During this time, the child may be placed in a foster home and a treatment plan will be developed with the parents. The plan may include medical examinations, psychological evaluations, participation in various treatment programs and permission for a social worker to gain entry into the home.

The primary purpose of child abuse and neglect laws is the protection of the child. The primary goal of DFS intervention is to stabilize and strengthen the family while providing protection for the child. If parents have repeatedly failed treatment programs, and continue to lack adequate motivation or the ability to protect their children, it then may become necessary to permanently remove the child from the home. Termination of parental rights is accomplished through a court hearing to ensure that the legal rights of all parties are represented.

This action makes it possible for the child to be placed for adoption. Termination of parental rights is the last resort after all previous efforts to help the parents have been exhausted.

RECOGNIZING INDICATORS OF CHILD MALTREATMENT

Child maltreatment is a complex, insidious problem that cuts across all sectors of society. The economic and human costs of child maltreatment in American society are astronomical. It is likely that billions of dollars are spent in treatment and social service costs and in lessened productivity for a generation of maltreated children. The human costs are a litany of psychological tragedies. Maltreated children suffer from poor peer relations, cognitive deficits and low self-esteem. They may be more aggressive as well as having behavioral problems and psychopathology. The emotional damage may last a lifetime *(Aber and Cicchetti, 1984)*.

The following are indicators of child maltreatment:

Physical indicators of child abuse and neglect are usually observable. They may be mild or severe, and they involve the

child's physical appearance. They may be skin or bone injuries or evidence of lack of care and attention as manifested in conditions such as malnutrition.

Educators are trained observers of children's behaviors. They are sensitive to the range of behaviors expected from children of a given age group, and they are quick to notice behaviors that fall outside this range. Particularly for the educator, behavior can often be a clue to the presence of child abuse and neglect. Behavioral indicators may exist alone or may accompany physical indicators. They range from subtle clues to graphic statements by children that they have been maltreated.

Physical and behavioral indicators are listed on pages 11 through 15. These lists are not exhaustive; many more indicators exist than can be included. The presence of a single indicator does not prove that maltreatment exists. However, the repeated presence of an indicator, the presence of several indicators in combination, or the appearance of serious injury should alert the educator to the possibility that a case of child abuse or neglect may be present.

EMOTIONAL MALTREATMENT

Emotional maltreatment is a concerted attack by an adult on a child's psychological development of self and social competence. It is a pattern of psychologically destructive behavior involving: rejecting, terrorizing, isolating, ignoring and/or corrupting. In almost all of these cases, it is the psychological consequences of the act that define that act as being abusive.

While emotional maltreatment may occur alone, it is important to understand that it is the primary issue in the broader picture of abuse and neglect. It provides the unifying theme and is the critical aspect in the overwhelming majority of physical and sexual abuse and neglect cases *(Garbarino, Guttman and Seely, 1986).*

Physical Indicators of Emotional Maltreatment may include:

- speech disorders
- lags in physical development
- failure-to-thrive syndrome (progressive wasting away)

Behavioral Indicators of Emotional Maltreatment:

Often, emotional maltreatment is observed through behavioral indicators, and even these indicators may not be immediately apparent. The emotionally maltreated child may demonstrate the following behavioral characteristics:

- habit disorders such as sucking, biting, rocking, enuresis, or eating disorders.
- conduct disorders including withdrawal and anti-social behavior such as destructiveness, cruelty and stealing.
- neurotic traits such as sleep disorders and inhibition of play.
- psychoneurotic reactions including hysteria, obsession, compulsion, phobias and hypochondria.
- behavior extremes such as appearing overly compliant, extremely passive; or aggressive, very demanding or undemanding.
- overly adaptive behaviors which are either inappropriately adult *(e.g., parenting other children)* or inappropriately infantile *(e.g., rocking, head banging, or thumb sucking).*
- emotional and intellectual developmental delays.
- attempted suicide.
- truancy, running away.

The behavior of emotionally maltreated and emotionally disturbed children is similar. However, the parents of an emotionally disturbed child generally accept the existence of the issue. They are concerned about the child's welfare and are actively seeking help. On the other hand, the parents of an emotionally maltreated child often blame the child for the problem *(or ignore its existence)*, may refuse offers of help, and are generally unconcerned about the child's welfare.

PHYSICAL ABUSE

Physical abuse of children includes any non-accidental physical injury caused by the child's caretaker. By definition the injury is not an accident, yet it may not have been the intent of the child's caretaker to injure the child. For example, physical abuse may result from over-discipline or from punishment that is inappropriately harsh considering the child's age or offense.

Physical Indicators of Physical Abuse

Unexplained bruises and welts:

- on the face, lips, or mouth;
- on large areas of the torso, back, buttocks, or thighs; on several different surface areas *(may indicate the child has been hit from different directions);*
- in various stages of healing *(e.g. bruises of different colors, or old and new scars together).*

Behavioral Indicators of Physical Abuse

A child's behavior may also be a clue to the presence of child maltreatment. It may be the only clue, especially in adolescents. These behavioral indicators may exist independently of, or in conjunction with physical ones and include the child who:

- is wary of physical contact with adults. In the classroom, most children accept physical closeness to a teacher. The abused child often avoids it, sometimes even shrinking at the touch or approach of an adult.
- becomes apprehensive when other children cry.
- demonstrates extremes in behavior *(e.g., aggressiveness or withdrawal)* or behavior which lies outside the range expected for the child's age group.
- seems frightened of the parents *(e.g., states he/she is afraid to go home, cries when it is time to leave, or is frightened when parents are mentioned)*.
- reports injury by a parent.

NEGLECT

Neglect involves inattention to a child's basic needs such as food, clothing, shelter, medical care, education and supervision. While physical abuse tends to be episodic, neglect tends to be chronic. The consistency of the indicators of neglect include:

- rarely or frequently occurring?
- chronic *(there most of the time),* periodic *(noticeable after weekends or absences),* or episodic *(seen twice this semester when there was unusual stress in the family such as illness)*.
- in a given community or subpopulation, do all the children display these indicators, or only a few?
- is this culturally acceptable child-rearing or true neglect?

Answers to questions like these can be extremely helpful in determining neglect.

Physical Indicators of Neglect

- constant hunger, poor hygiene, or inappropriate clothing.
- consistent lack of supervision, especially when engaged in dangerous activities or over extended periods of time *(observed outside the classroom)*.
- constant fatigue or listlessness *(constantly falls asleep in class)*.
- unattended physical problems or medical needs, such as untreated or infected wounds.
- abandonment

Behavioral Indicators of Neglect

- begs, or steals food
- rarely attends school
- comes to school very early and leaves very late
- addicted to alcohol or other drugs
- engaged in delinquent acts such as vandalism or theft
- states that there is no one to care for or look after him/her

SEXUAL ABUSE

The statutory definitions of sexual abuse and sexual exploitation involving children are as follows:

"Sexual abuse" means the commission of sexual assault, sexual intercourse without consent, indecent exposure, deviate sexual conduct, or incest, as described in Title 45, chapter 5, part 5. (Section 41-3-102 (15), MCA.)

"Sexual exploitation" means allowing, permitting or encouraging a child to engage in a prostitution offense, as described in 45-5-601 through 45-5-603, or allowing, permitting or encouraging sexual abuse of children as described in 45-5-625. (Section 41-3-102(16), MCA.)

The Department of Family Services is responsible for the investigation of abuse or neglect caused by a parent or legal guardian responsible for the child's welfare. Law enforcement is responsible for the investigation of all other abuse and neglect cases. **Child sexual abuse must be reported immediately to the Department of Family Services.**

Practically, sexual abuse includes any contacts or interactions between a child and an adult where the child is being used for the sexual stimulation of the perpetrator or another person. Sexual abuse may also involve a perpetrator under the age of 18 when that person is either significantly older than the victim or when that person is in a position of power or control over the victim.

Sexual abuse by family members or acquaintances is most likely to occur in the home of the victim or the perpetrator and is usually repeated over a period of time.

While there are cases of sexual abuse by adult women, the majority of perpetrators are men. Girls are reported abused at a much higher rate than boys. Victims have been found to be as young as four months old with the average age between 7 and 14 years old.

Physical Indicators of Sexual Abuse

At school sexual abuse may be discovered when a child confides in a trusted teacher, counselor or nurse.

Physical Indicators of Sexual Abuse

- difficulty in walking or sitting.
- torn, stained, or bloody underclothing.
- complaints of pain or itching in the genital area.
- bruises or bleeding in external genitalia, vaginal or anal area.
- venereal disease, particularly in a child under 13.
- pregnancy, especially in early adolescence.

Behavioral indicators of Sexual Abuse

- appear withdrawn; engage in fantasy or infantile behavior; even appear developmentally or mentally retarded.
- have poor peer relationships (e.g., fighting, no friends)
- be unwilling to change for gym or to participate in physical activities.
- engaged in delinquent acts, or run away.
- display bizarre, sophisticated, or unusual sexual knowledge or behavior.
- state he/she has been sexually assaulted by a caretaker.

SOME MYTHS ABOUT SEXUAL ABUSE

Myth:

To protect children from sexual abuse, you should teach them to beware of the "dirty old man" and stranger in the park.

Fact:

In most instances of sexual abuse the abuser is someone the child knows and trusts. The abuser may be a member of the family, a relative, a babysitter, a neighbor, or a teacher. In only 20% of the incidents of sexual assault is the abuser a stranger to the child, and in only 10% is the abuser over 50 years of age.

Myth:

The child sexual abuser relies on physical violence.

Fact:

The chid sexual abuser rarely uses physical violence and usually will avoid its use: injury may lead to discovery. The sexual abuser is more likely to use his power and authority as an adult (or older child) to coerce the child victim through bribes, threats and the child's fear of the unknown. Children are taught to obey without question or resistance. The abuser's most powerful weapons are authority and secrecy.

Myth:

The sexual abuser can be the victim of the seductive or sexually promiscuous child.

Fact:

The child is always the victim. A seductive or promiscuous child often is the result, but never the cause, of sexual abuse. One characteristic common to sexual abusers is a capacity for rationalizing their actions, mentally justifying an illegal, unacceptable, and inappropriate behavior as necessary and all right. The myth of the seductive or sexually promiscuous child is one way of doing this. Through this type of reasoning, the abuser shifts the blame for his actions onto someone else. In the same manner, incestuous parents often justify their own sexual behavior with the child as a way of teaching the child or "keeping him off the street." These justifications ignore the abuser's responsibility as an adult, the child's vulnerability and dependency on the adult, and the long-term harm to the child.

Myth:

The lower the family income and social status, the higher the likelihood of sexual abuse.

Fact:

Socioeconomic status is of no help in identifying sexual abuse. Sexual abuse appears to occur at all levels of income and education. Most of the families present an appearance of respectability. The vast majority of parents hold jobs, function well in the community, and are respected by their peers.

Myth:

In the majority of cases, maltreated children want to leave their homes permanently.

Fact:

On the contrary, most children do not want their families disrupted; they simply want the abuse to stop.

Myth:

Once incest is brought to the attention of the authorities, the family admits the problem and seeks help.

Fact:

The denial system of the family usually is very strong. Generally, family members will assert that nothing has happened or, if confronted with undeniable circumstances claim that "it will never happen again." In this circumstance, treatment is very difficult. If the victim returns home without intensive intervention in the family system, the old patterns of sexual abuse will continue.

DISTINGUISHING ABUSE FROM ACCIDENT

The following information is provided to assist school personnel in identifying possible abuse. However, the statute requires that <u>you must report</u> if you have reasonable cause to <u>suspect</u> that a child has been abused or neglected.

The very nature of childhood invites accidents. Children are curious and fearless. They run, climb, jump and explore. A young child's motor skills may outpace his cognitive skills allowing him to approach danger without recognizing it. How may school personnel distinguish the non-accidental injury caused by a maltreating adult?

When observing injuries, please consider the following:

- **Where is the injury?** Certain locations on the body are more likely to sustain accidental injury: knees, elbows, shins, the forehead are all parts of the body that can be injured during an accidental fall or bump. Protected or non-protuberant parts of the body such as the back, thighs, genital area, buttocks, back of the legs or face, are less likely to accidentally come into contact with objects which could cause injury. For example, bruised knees and shins on a toddler are likely to be the result of normal age-related activity; bruises on the lower back are less likely to have been inflicted non-accidentally.
- **How many injuries does the child have?** Are there several injuries occurring at one time or over a period of time? The greater the number of injuries, the greater the cause for concern. Unless involved in a serious accident, a child is not likely to sustain a number of different injuries accidentally. Injuries in different stages of healing can suggest a chronological pattern of occurrence.
- **What are the size and shape of the injury?** Many non-accidental injuries are inflicted with familiar objects: a stick, a board, a belt, a hair brush. The marks that result bear strong resemblance to the object used. For example, welts caused by beating a child with an electrical cord might be loop-shaped; a belt might cause bruises in the shape of the buckle. Accidental marks resulting from bumps and falls usually have no defined shape.
- **Does the description of how the injury occurred seem likely?** If an injury is accidental, there should be a reasonable explanation of how it happened which is

consistent with its severity, type and location. When the description of how the injury occurred and the appearance of the injury do not seem related, there is cause for concern.

- **Is the injury consistent with the child's developmental capabilities?** As a child grows and gains new skills, he increases his ability to engage in activities which can cause injury. A toddler trying to run is likely to suffer bruised knees and a bump on the head before the skill is perfected. He is less likely to suffer a broken arm than is an eight-year-old who has discovered the joy of climbing trees. A two-week-old infant does not have the movement capability to self-inflect a bruise.

Accidents do happen. Parents are not perfect. Injuries occur that may have been avoided. Still, accidents of this nature should not happen repeatedly.

WHAT IF A CHILD TELLS YOU ABOUT ABUSE OR NEGLECT?

Remember a secret, a secret you couldn't share? You thought about it all the time because you wanted to tell. You were ashamed of what people would think if they knew or afraid of what would happen if you told. You might have thought no one would understand, or even worse, believe you. Children of abuse or neglect carry secrets like this.

There may be a time when a child or adolescent tells you, openly or indirectly, about abuse or neglect in his or her family. Recognize the strength the child has demonstrated by sharing this secret and honor the trust shown by choosing you as confidant. Although it may be a difficult subject to discuss, it is important that you handle the disclosure with sensitivity. In part, this can be accomplished by following some general guidelines:

- **Listen to what is being told to you.** Do not project or assume anything. Do not push the child to share more than he or she is willing. The child needs warmth and acceptance, not curiosity or interrogation. It is not necessary at this time that the child reveal specific or intimate details.
- **Be supportive.** Remember why the child came to you. The child needs your help, support and guidance. Be there for him or her.

- **Reassure the child that he or she has done the right thing by telling you.** Acknowledge the difficulty of the decision and the personal strength shown in making this choice. Make it clear that the abuse or neglect is not the child's fault, that the child is not bad or to blame.
- **Keep your own feelings under control.** Be calm and nonjudgmental. Do not express emotions such as shock, embarrassment, anger or disgust. Do not criticize or belittle the child's family.
- **Use the child's own vocabulary.** The child may relate the abuse or neglect to you using family terminology. Do not try to substitute more polite or correct words.
- **Do not promise not to tell.** Know your limits. This is not a situation you can handle by yourself.
- **Tell the truth.** Don't make promises you can't keep, particularly relating to secrecy, court involvement, placement and caseworker decisions. After abuse or neglect has been disclosed, there may be actions taken over which neither you nor the child has control.
- **Assess the child's immediate safety.** Is it safe for the child to return home? Is he or she in immediate physical danger? Is it a crisis? Are there in-home protections?
- Let the child know that telling about the abuse or neglect was the right thing to do.
- Report the maltreatment to your local Department of Family Services office as soon as possible.

If an educator or other school employee fails to make a report, nothing may be done to help the child.

WHO ARE THE CHILD ABUSERS?

A child abuser is most often a parent or a caretaker. He or she can be found in any and all cultural, ethnic, occupational and socioeconomic groups. The abuser could be a family member, a friend, a peer, a stranger or a teacher.

Many of us have felt at times that life is more than we can handle. What stops us from giving up or lashing out are skills and mechanisms we have learned to help control or divert our anger; accept and assume adult responsibility; recognize realistic boundaries of acceptable behavior and expectation; and seek and accept help and support. It is when adults are faced with a situation that requires the use of coping skills they have never developed, that child abuse or neglect may occur.

School personnel will be better able to fulfill the responsibility of identifying and reporting suspected child abuse or neglect if all temptation to stereotype child abusers is avoided.

Research on child abusers has revealed the following:

- Only a small number of child abusers are psychotic or psychopathic.
- Reported molestations are committed most often by family or friends of the victim.
- Child abuse is reported to be a conditioned behavior; people who have had poor parent models tend to be poor parents themselves.
- A poor self-image, lack of self-confidence and isolation from family, friends and others are characteristic of child abusers.
- Abusing parents and caretakers are often experiencing marital or emotional conflicts. The abuse of alcohol and/or other drugs is common.
- Abusing parents often reverse roles with their children. Parents express unrealistically high expectations of their children, demand love but have difficulty in meeting the emotional needs of their children.
- Child abuse is seldom the result of any single factor. Most families will experience a combination of problems and negative situational factors (i.e., housing conditions, financial circumstance, degree of social contact, employment conditions). Child abuse often stems from the family's inability to cope with these problems.

SUPPORT FOR CHILDREN AND THEIR FAMILIES

After the reporting of abuse or neglect, children's lives may be filled with stress, leaving children unsure about trusting the consistency promised by anyone with whom they may be involved. Sensitivity to the need of children for consistency is vital. To alleviate stress, school personnel should provide support, caring, consistency, and stability to these children.

Another issue that may be part of children's lives is that of court involvement. Courts often present a scary image for children. Their behavior may attest to this. Children who know their case is coming to court often feel agitated, anxious and insecure. Many realize that the court could decide where they will be living tomorrow.

Helping children deal with their feelings about their families' court involvement involves three steps for school personnel:

- education about the court process;
- sensitivity to an individual child's experience; and
- knowing when cases are going to court could help the educator anticipate and be sensitive to children's feelings.

Given this rationale most DFS caseworkers will work with school personnel to let them know when a case is going to court.

Part of the court process may include placing children in foster homes if the Department of Family Services feels that the children will be unsafe at home. Separation from parents, no matter how abusive or neglectful, can have a profound impact on children. When appropriate DFS will attempt to place children in the same school system to provide some consistency.

Because the foster parents are providing care for children, the school should work closely with the foster family. The school's intent and that of the foster family are identical, therefore the two should work together on behalf of the children.

In addition to working with the foster parents, educators need to be sensitive to children's needs when they are in foster care. For example, children may need to know that people do not see them differently or that their biological families' are not "bad".

Parents involved with the Department of Family Services may be lonely, isolated, and also experiencing periods of great personal and/or family stress. Many schools are now providing programs and services that reach out to these parents and may directly support and benefit them.

Outline and Sample of School Policy and Procedures for Reporting Child Abuse and Neglect

A. The following basic information should be clearly defined in all school/district policies and procedures for reporting cases of child abuse or neglect:

1. **a statement indicating school board and school district support for reporting child abuse and neglect:**

   The Board of Trustees, recognizing the harmful effects of child abuse and neglect, does hereby emphatically and enthusiastically support those sections of Montana law concerned with the reporting of suspected cases of child abuse and neglect.

2. **who specifically is mandated to report by law:**

   Realizing the seriousness of child abuse and neglect, this Board requires compliance with this law by all school teachers, school officials and other employees who work during regular school hours. (Section 41-3-201, MCA.)

   Any of the above-named employees who fail to report to the Department of Family Services known or suspected cases of child abuse or neglect, or who prevent another person from reasonably doing so, may be held civilly liable for the damages proximately caused by such failure or prevention and is guilty of a misdemeanor. (Section 41-3-207, MCA.)

3. **a brief rationale for involving school personnel in reporting:**

   Abused and neglected children are among the most difficult to reach in the classroom. They frequently learn the least while demanding a considerable share of our educational resources. If we can break the cycle of abuse, we can have a more teachable student in our classroom—and a more productive individual in our society.

4. **the name and appropriate section numbers of the state reporting statute; immunity from civil liability and criminal penalty for those who report confidentiality of records pertaining to reports of suspected abuse or neglect:**

   Montana laws pertaining to reporting and investigating child abuse and neglect are found in Title 41, Chapter 3, Part 2, MCA. This law provides that all records concerning the reporting of child abuse or neglect are confidential and grants immunity from any liability, civil or criminal, that might otherwise be incurred or imposed, unless the person acted in bad faith or with malicious purpose.

5. **the exact language of the law defining reportable conditions (abuse and/or neglect). If necessary, explain and clarify the state definition (Section 41-3-102, MCA.):**

   An "abused or neglected child" is a child whose normal physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of his/her parent or other persons responsible for his/her welfare.

   "Harm to a child's health or welfare" means the harm that occurs whenever the parent or other person responsible for the child's welfare:

   (a) inflicts or allows to be inflicted upon the child physical or mental injury;
   (b) commits or allows to be committed sexual abuse or exploitation of the child;
   (c) causes failure to thrive or otherwise fails to supply the child with adequate food or fails to supply clothing, shelter, education or health care, though financially able to do so or offered financial or other reasonable means to do so;
   (d) abandons the child by leaving him under circumstances that make reasonable the belief that the parent or other person does not intend to resume care of the child in the future or by willfully surrendering physical custody for a period of 6 months and during that period does not manifest to the child and the person having physical custody of the child a firm intention to resume physical custody or to make permanent legal arrangements for the care of the child; or
   (e) is unknown and has been unknown for a period of 90 days and reasonable efforts to identify and locate the parents have failed.

6. **the person or agency to receive reports:**

   When a teacher, school official or other employee who works during regular school hours suspects child abuse or neglect, that person must promptly notify the Department of Family Services, or its local affiliate.

7. **the information required of the reporter:**

   (a) the names and addresses of the child and his or her parents or other persons responsible for his or her care;
   (b) to the extent known, the child's age, the nature and extent of the child's injuries including any evidence of previous injuries;
   (c) any other information the reporter believes might be helpful in establishing the cause of the injuries or showing the willful neglect and the identity of the person or persons responsible; and
   (d) the facts that led the person reporting to believe that the child has suffered injury or injuries or willful neglect.

B. In addition, school districts may want to include in their reporting policies and procedures such additional information as:

1. the action that will be taken by the school board for failure to report;
2. the role of the schools in multi-disciplinary community efforts to provide service to abused and neglected children and their families;
3. the schools' role in providing parent training, public awareness programs or other activities devoted to preventing child abuse and neglect; and
4. other comrnunity resources the schools can draw on in responding to child abuse or neglect cases.

DEPARTMENT OF FAMILY SERVICES OFFICES

Should school personnel have questions about the department and its response to a child abuse and neglect case, contact the social worker involved or his or her supervisor. Further concerns should be directed to the regional administrator for your area or the department director.

DIRECTOR'S OFFICE 444-5900
Box 8005, Helena, MT 59604-8005—48 N Last Chance Gulch

1. **WESTERN REGIONAL OFFICE — Missoula** 523-4100
   610 Woody 59802

2. **NORTHCENTRAL REGIONAL OFFICE—Great Falls** 59405
   2300 12th Ave. S., #106 College Park Center 727-7746

3. **SOUTHWEST REGIONAL OFFICE—Helena** 59601
   316 North Park 444-2030

4. **SOUTHCENTRAL REGIONAL OFFICE—Billings** 59102
   1211 Grand Ave. 252-5601

5. **EASTERN REGIONAL OFFICE—Miles City** 59301-0880
   708 Palmer, PO Box 880 232-1385

LOCAL OFFICES

	County	*City*	*Phone No.*	
1.	Beaverhead	Dillon	683-4266	
		Ennis	683-4266	
2.	Big Horn	Hardin	665-1110	
3.	Blaine	Chinook	357-2848	
4.	Broadwater	Townsend	266-5580	
5.	Carbon	Red Lodge	446-3729	
6.	Carter	Ekalaka	775-8751	*(Thurs. only—otherwise 778-2883, ext. 16)*
7.	Cascade	Great Falls	771-8580	
8.	Chouteau	Fort Benton	622-5414	
9.	Custer	Miles City	232-1385	
		Colstrip	748-3622	
10.	Daniels	Scobey	765-1370	
11.	Dawson	Glendive	365-4963	
12.	Deer Lodge	Anaconda	563-3448	
13.	Fallon	Baker	778-2883	*ext. 16*
14.	Fergus	Lewistown	538-7731	
15.	Flathead	Kalispell	755-5950	
16.	Gallatin	Bozeman	585-9984	
17.	Garfield	Jordan	232-1385	
18.	Glacier	Cut Bank	873-5534	
		Browning	338-5171	
19.	Golden Valley	Ryegate	323-2107	
20.	Granite	Philipsburg	859-3831	
21.	Hill	Havre	265-1233	
22.	Jefferson	Boulder	225-4251	
23.	Judith Basin	Stanford	538-7731	
24.	Lake	Polson	883-3828	
25.	Lewis & Clark	Helena	444-2030	
26.	Liberty	Chester	759-5603	
27.	Lincoln	Libby	293-3757	
		Eureka	296-3139	
28.	Madison	Virginia City	683-4266	
29.	McCone	Circle	365-4963	
30.	Meagher	White Sulphur Springs	222-7402	
31.	Mineral	Superior	822-4809	
32.	Missoula	Missoula	523-4100	
33.	Musselshell	Roundup	323-2107	
34.	Park	Livingston	222-7402	
35.	Petroleum	Winnett	538-7731	
36.	Phillips	Malta	654-2252	
37.	Pondera	Conrad	278-7681	
38.	Powder River	Broadus	232-1385	

39.	Powell	Deer Lodge	846-3680	*ext. 48*
40.	Prairie	Terry	365-4963	*(Glendive DFS)*
41.	Ravalli	Hamilton	363-1961	
42.	Richland	Sidney	482-1903	
43.	Roosevelt	Wolf Point	653-1590	
44.	Rosebud	Forsyth	356-7918	
		Lame Deer	356-7918	
45.	Sanders	Thompson Falls	827-4317	
46.	Sheridan	Plentywood	765-1770	
47.	Silver Bow	Butte	496-4950	
48.	Stillwater	Columbus	322-4821	
49.	Sweet Grass	Big Timber	932-5267	
50.	Teton	Choteau	466-5592	
51.	Toole	Shelby	434-5022	
52.	Treasure	Hysham	356-7918	*(Forsyth DFS)*
53.	Valley	Glasgow	228-8221	
54.	Wheatland	Harlowton	632-4895	
55.	Wibaux	Wibaux	795-2403	*or*
			778-2883	*ext. 16*
56.	Yellowstone	Billings	657-3120	

CHILD ABUSE HELP LINE

Sponsored by
(Kiwanis/Key Clubs)

1-800-332-6100

(A 24-hour child abuse and neglect hot line for Montana)
Staffed by medical professionals located at
St. Vincent's Hospital in Billings, MT

Any individual who has reasonable cause to suspect that a child is being abused or neglected may call this number. It is not necessary to reveal your identity. The hot line is also a referral service to direct you to the appropriate agency within your community. They will encourage you to contact your local Department of Family Services Office and will also send a referral letter to the department notifying them that a report has been made. In case of an emergency, they will act immediately on a call.

MONTANA DEPARTMENT OF FAMILY SERVICES RESOURCE LIST

The following resources are available for loan from:

Department of Family Services
PO Box 8005
Helena, MT 59604-8005

or call the DFS Training Officer at 444-5900.

1. *Identifying, Reporting and Handling Sexually Abused Children:* an excellent video for staff and in-service training.

2. *Psychological Maltreatment of Children:* an excellent video for staff and in-service training.

3. *Secret Wounds—Working with Child Observers of Family Violence:* a resource film for staff.

4. *Come In From the Storm:* video
   Part 1 - *China Doll* (Emotional Abuse)
   Part 2 - *The Diary* (Physical Abuse)
   Part 3 - *The Necklace* (Sexual Abuse)

In addition, there are a number of other films and videos that you may wish to preview.

The C. Henry Kempe Center for the Prevention and Treatment of Child Abuse & Neglect

The C. Henry Kempe Center for the Prevention and Treatment of Child Abuse and Neglect, Susan Hiatt, M.D., Director, is a nationally recognized center for the prevention and treatment of child abuse and neglect. Staff at the center are available through a grant from the Montana Department of Family Services to provide free telephone consultation to any professional in the State of Montana regarding child abuse and neglect. Professionals may contact the center by its number (303) 321-3963. The staff provide technical consultation in all areas of child abuse and neglect, e.g., psychological, social, medical and legal. In addition to providing free telephone case consultation by their professionals, Kempe Center staff are available for conferences and training on a contract basis to include honorarium and travel expenses. Montana schools may also borrow from the Center's extensive film and print library.

The C. Henry Kempe Center
for the Prevention and Treatment of Child Abuse and Neglect
1205 Oneida Street
Denver, CO 80220

WHERE CAN YOU GET MORE INFORMATION?

Information to help you learn about the child abuse laws and Children's Protective Services is available. The Montana Code Annotated (MCA) may be found in the reference section of your county library.

Your local Department of Family Services' Office may be located through the County Social Services Office number listed in the county government section of the local telephone directory.

FOR YOUR INFORMATION:

Local Department of Family Services Number:

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Children's Protective Services' Social Worker:

_____

Child Abuse and Neglect Report Requirements
The "Buckley Amendment" and the Public Schools

In 1974, the Family Educational Rights and Privacy Act of 1974, (FERPA) commonly referred to as the Buckley Amendment, was enacted. The act protects students' rights to privacy and allows for the release of information contained in education reports only with parental consent, with several limited exceptions. Shortly after passage of the act, an issue was raised whether teachers or other school authorities who are required by state law to report suspected cases of child abuse and neglect would be jeopardizing the school's federal funding if they made such reports without consent of a student's parents.

This potential conflict between FERPA and state child abuse and neglect reporting laws was raised by the Education Commission of the States' Child Abuse and Neglect Project with the Secretary of the Department of Health, Education and Welfare and the House Committee on Education and Labor of the U.S. House of Representatives. It has been resolved favorably from the point of view of child abuse and neglect authorities.

Reports based on information obtained from education records may be disclosed without obtaining parental consent and without any liability in the following instances of special concern to child abuse authorities:

(1) Reports to state and local authorities required under state reporting laws passed prior to November 19, 1974, do not require parental consent to be released. Montana is one of approximately 31 states that had child abuse and reporting statutes requiring education personnel to report suspected incidents prior to that date. Therefore in Montana, there is no question that a written records may be released to social welfare and other protective services agencies without violating the act.

(2) A school may release personally identifiable information from education records to comply with a judicial order or lawfully issued subpoena.

(3) HEW maintains that many reports of suspected incidents of child abuse and neglect are made on the basis of the teacher's personal knowledge and observation which do not constitute education records. Since FERPA governs the release of information from educational records, such reports can readily be made to child abuse authorities.

Therefore, FERPA does not represent a conflict to compliance with the reporting requirements of most child abuse and neglect statutes.

This handbook was printed with funding from a federal National Center for Child Abuse and Neglect Grant, No. 08CA0063/01.

School districts and others are granted permission to reprint this booklet for distribution to staff.

12,000 copies of this public document were published at an estimated cost of 28¢ per copy, for a total cost of $3,360.00, which includes $3,360.00 for printing and $.00 for distribution.